

passage of this act, to order a bridge to be erected across the Trinity river, at or near where this bridge crosses, and shall have failed for that time to order the erection of such bridge."

On motion of Mr. Walker, the bill and amendment was referred to the committee on Roads, Bridges and Ferries.

On motion of Mr. Potter, the vote postponing until Monday the 5th inst., the following bills was reconsidered.

A bill to provide for patenting Headright Certificates, not presented to the Court of Claims for approval, within the time prescribed by law, and for issuing duplicate and unlocated balance certificates. The bill was read 3rd time and passed.

A bill providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi Bay. Read 2nd time and ordered to be engrossed by the following vote:

YEAS—Messrs. Britton, Chambers, Duggan, Gentry, Hyde, Parsons, Paschal, Pitts, Potter, Quinan, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Whaley and Wigfall—18.

NAYS—Messrs. Dickinson, Fall, Grimes, Guinn, Harman, Hart, Lott, Rains, Rainey, Sims, Walker and Wallace—12.

On motion of Mr. Hyde, the Senate adjourned until 10 o'clock Monday morning.

TUESDAY, December 6th, 1859.

The Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

On motion of Mr. Shepard, the Senate adjourned until 10 o'clock, A. M., to-morrow.

WEDNESDAY, December 7th, 1859.

Senate met pursuant to adjournment. Roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Throckmorton presented the petition of sundry citizens of Mercer's colony, asking that Mercer's colony certificates may be located upon any of the vacant lands of the State. Referred to the committee on Public Lands.

Mr. Guinn presented the petition of the Grand Jurors of Cherokee county. Referred to the committee on the Judiciary.

Also the petition of the Chief Justice and other citizens of Cherokee county, in reference to the tax laws. Referred to the committee on Finance.

Mr. Townes presented the petition of A. H. Cook for money. Referred to the committee on Claims and Accounts.

Mr. Gentry presented the petition of sundry citizens of Austin, Harris and Grimes counties. Referred to the committee on Counties and County Boundaries.

Mr. Schleicher presented the petition of Andreas Manchaca. Referred to the committee on Private Land Claims.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed.

A bill for the relief of Stephen Kelly.

A bill providing for a preliminary survey, for a canal from the Rio Grande to Corpus Christi Bay.

A bill to provide for patenting Headright Certificates, not presented to the Court of Claims within the time prescribed by law, and for issuing duplicates and unlocated balance certificates.

And a bill for the relief of Jacob Laux.

Mr. Guinn introduced a bill, to provide payment for printing the proclamation of the Governor. Read 1st time.

On motion of Mr. Guinn, the rule was suspended, and bill ordered to be engrossed.

On motion of Mr. Guinn, the rule was further suspended, bill read 3rd time and passed.

Mr. Parsons introduced a bill for the relief of the heirs of William J. Willis. Read 1st and 2nd times and referred to the committee on private Land Claims.

Mr. Duggan introduced a bill to regulate the election of the Superintendent of the Penitentiary. Read 1st and 2nd times and referred to the committee on the Penitentiary.

Mr. Throckmorton introduced a bill to permit Mercer's colony certificates, to be located upon any vacant public domain in the State. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Britton introduced a bill for the relief of H. L. Kinney. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Lott introduced a bill to incorporate the Starrville Mission University. Read 1st and 2nd times and referred to the committee on Education.

Mr. Throckmorton moved to take from the table the report of the Judiciary committee, offering a substitute for the several

bills referred to them in relation to the division of the 16th Judicial District. Carried.

Mr. Walker then moved to make it the special order for Monday the 19th inst. Lost.

Mr. Walker then moved to make it the special order for Monday the 12th inst., which motion was also lost.

The question then being on the adoption of the substitute was put, and the substitute adopted by the following vote :

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Herbert, Hyde, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes and Whaley—27.

NAYS—Messrs. Hart, Lott, Rains, Walker and Wallace—5.

Mr. Walker moved to strike out "Collin county" from the bill upon which the yeas and nays were called and stood thus :

YEAS—Messrs. Lott, Pitts, Rains and Walker—4.

NAYS—Messrs. Britton, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Martin, Parsons, Paschal, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Wallace and Whaley—27.

The bill was then ordered to be engrossed.

On motion of Mr. Throckmorton, the rule was suspended, bill read 3rd time and passed.

#### ORDERS OF THE DAY.

A bill to incorporate the Air-line Railroad Company, being the special order.

Mr. Herbert moved to postpone the consideration of the bill until Monday the 12th inst. Lost.

The bill was then read 3rd time and passed by the following vote :

YEAS—Messrs. Britton, Chambers, Dickinson, Erath, Gentry, Grimes, Hyde, Lott, Parsons, Paschal, Pitts, Rains, Rainey, Scarborough, Schleicher, Shepard, Throckmorton, Townes, Walker, Wallace and Whaley—21.

NAYS—Messrs. Duggan, Fall, Guinn, Harman, Hart, Herbert, Martin, Potter and Quinan—9.

Mr. Potter introduced a bill to provide for a special election of a Senator in the eighth Senatorial district, composed of the county of Harrison, to fill the vacancy occasioned by the resignation of Hon. Louis T. Wigfall. Read 1st time, rule suspended, read 2nd time and ordered to be engrossed.

On motion of Mr. Lott, the rule was further suspended, bill read 3rd time and passed.

Mr. Quinan introduced a bill to amend the 8th section of the act of 5th February, 1840, concerning conveyances. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Quinan offered the following resolution :

*Resolved*, That the committee on the Judiciary, be instructed to enquire into the expediency of consolidating the sessions of the Supreme Court, so that the same may be held only at Austin, and continue until the business before them is disposed of, and to report by bill or otherwise. Adopted.

On motion of Mr. Hart, the Senate adjourned until 10 o'clock, A. M., to-morrow.

THURSDAY, December 8th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to whom was referred the petition of J. W. Vickery, asking for extra pay for distributing the Laws, Journals &c., of the 7th Legislature in the 2nd Congressional District, because the packages weighed more by 20 pounds than the advertisement stated in the paper letting out the contract.

The committee have examined the petition and the proof to sustain the same, and have come to the conclusion that under the 3rd section, Article 7th, general provisions State Constitution, they are prohibited from granting the relief prayed for by the petitioner. The committee would further state that they will not relieve any such cases, unless the facts show that the contract has been changed by the parties contracting, before the service has been rendered, or at least, when the contract is originally in writing, the change also must be in writing, it must appear by good proof that the change was made by the State, and for the benefit of the State, and for small changes when there is little difference in the labor they will not grant relief, although it may have cost the contractor more to have done the service to carry out the contract as changed. They think the State as well as other parties, ought to be held to the performance of the contract as made. I am therefore instructed to report the petition back and ask that the relief be not granted.